

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FERNANDO HARO, III,

Plaintiff,

v.

THOMAS KELLER RESTAURANT

GROUP, et al.,

Defendant(s).


Case No.: 2:20-cv-02113-APG-DJA

ORDER

On December 16, 2020, the Court granted Plaintiff's request to proceed *in forma pauperis* and screened his complaint. (ECF No. 4). Plaintiff was permitted to survive screening with his original complaint and provided with assistance for service of the complaint. To date, service has not been effectuated. As a result, no defendant has appeared.

On February 22, 2021, Plaintiff filed an amended complaint with the Court. He did not seek leave to file the amended complaint. Federal Rule of Civil Procedure 15 provides that a party may amend its pleading once as a matter of course within: (a) 21 days after serving it, or (b) . . . 21 days after service of a motion under Rule 12(b) . . ." Fed.R.Civ.P. 15(a)(1). In all other cases, "a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." *Id.* at (a)(2). Here, the Court finds that Plaintiff should be permitted to proceed on the amended complaint. No defendant has been served or appeared. Therefore, there is no prejudice to permitting the amendment.

Accordingly, **IT IS ORDERED** that:


DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

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